

**MINUTES OF THE CITY COMMISSION MEETING
APRIL 14, 2003**

The City of Leesburg Commission held a regular meeting Monday, April 14, 2003, in the Commission Chambers at City Hall. Mayor Connelly called the meeting to order at 5:32 p.m. with the following members present:

Commissioner David Knowles
Commissioner Bob Lovell
Commissioner Ben Perry
Commissioner Lewis Puckett
Mayor David Connelly

Also present were City Manager (CM) Ron Stock, City Attorney (CA) Fred Morrison, Acting City Clerk (ACC) Betty Richardson, Deputy City Clerk (DCC) Diane Gibson Smith, the news media, and others.

Commissioner Lovell gave the invocation followed by the Pledge of Allegiance to the Flag.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD
MARCH 24, 2003 AND THE CLOSED MEETING HELD MARCH 10, 2003**

Commissioner Puckett moved to approve the City Commission minutes of the regular meeting held March 24, 2003 and the closed meeting held March 10, 2003. Commissioner Perry seconded the motion and it carried unanimously.

PRESENTATION OF SERVICE AWARDS

Chief of Police H. Charles Idell presented Audrey Waterman a 20-year service award.

Environmental Services Director Susanna Littell presented Debbie Shank a 20-year service award and Gary Hunnewell a 10-year service award.

PRESENTATION ON THE COMPREHENSIVE ANNUAL FINANCIAL REPORT

Mark White and Brian Callahan of Purvis Gray presented highlights of the Comprehensive Annual Financial Report (CAFR). Mr. White noted overall it was a good year for the City of Leesburg. The City had many positive things happening over the past year.

Mr. White distributed Statements of Revenues, Expenditures and Changes in Fund Balance (attached). For 2002, the City had revenues in excess of expenditures. Taxes had the single biggest increase with approximately \$900,000 from the Telecommunication Tax. He noted the Electric Fund shows a false decrease in operating revenue due to the BPCA. The Wastewater Fund had a loss due to a bond issue which increased the debt ratio. Rate increases approved earlier this year will improve this fund. The Health Insurance Fund is in the black for first time since the Well America problem. Mr. White stated the Pension Plans require attention. Net assets are down to \$35M from \$41M due to the investments. One recommendation is to talk to the investment managers and take a more defensive position in the market. This summer, gas and oil prices may be volatile and should be watched as the prices affect the BPCA.

Mr. White thanked the staff for all the help given them and for the cooperation. He especially thanked Deputy Finance Director Diane Reichard for all of her hard work and dedication.

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Commissioner Perry questioned if the City should be shifting toward a more fixed plan in the pension plans versus increasing the amount of money the City puts into the plans. Mark White explained the burden is on the City to have the funds available, as the pension plans are defined benefit plans not defined contribution plans.

PRESENTATION ON THE DOWNTOWN PARKING GARAGE

Deputy City Manager (DCM) Robert Johnson presented an update on the proposed downtown parking garage. (A copy of the presentation is attached.) He noted temporary parking is planned in the front lot and the grass area behind the old Elk's Club Building. It is being proposed to make First Street a one-way street during construction and to have handicapped parking along that street for the doctors' offices.

Commissioner Lovell questioned if decorative sidewalks (colored concrete) like those on Main Street were to be continued down this area. DCM Johnson stated the decorative sidewalks are not being proposed but costs can be reviewed.

DCM Johnson stated the proposed garage does have an area for an inlay on the sides for bricks. In addition, the rendering shows an elevator on the south side which can be added later. Construction is slated to begin at the end of April with completion by the end of September.

CONSENT AGENDA:

Pulled for discussion: B6 – Change order #3 with Dredge America
B12 – Consent of assignment of lease with Sims and Douglas

Commissioner Perry moved to adopt the consent agenda except items B6 and B12. Commissioner Knowles seconded the motion. The roll call was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the consent agenda as follows:

PURCHASING ITEMS:

1. 03-FB-02 Underground cable and conduit puller and optional air adapter kit for Electric Dept. (\$69,440.00)
2. 03-FB-29 Electric Pole Line Material – Warehouse restock (\$121,889.36)
3. 03-FB-33 Water and Sewer Pipe Fittings – Warehouse restock (\$74,665.28)
4. 03-FB-36 Pool Slide for Venetian Gardens for Recreation Dept. (\$17,934.00)

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5. 03-FB-38 Fencing at Gas Operation Center – purchase and installation (\$25,710.00)
6. State Contract Mobile Storage Systems for the Police Dept. (\$55,418.65)
420-590-02-1

RESOLUTIONS:

RESOLUTION 6750

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Commercial Energy Specialists, Inc. for purchase and installation services of a water slide at Venetian Gardens Pool and providing an effective date.

RESOLUTION 6751

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a contract with Fritz Fence Inc. to provide purchase and installation of fencing at the City of Leesburg Gas Operation Center for \$25,710, pursuant to Bid #03-FB-38; and providing an effective date.

RESOLUTION 6752

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the execution of an agreement on payment of delinquent utility account between the City of Leesburg, Florida and Silver Lake Golf and Country Club of Lake County, Inc.; and providing an effective date.(wastewater charges)

RESOLUTION 6753

A resolution by the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an interlocal agreement with Lake County Board of County Commissioners related to sports stadium project; and providing an effective date.

RESOLUTION 6754

A resolution of the City Commission of the City of Leesburg, Florida, approving the employment of Shutts & Bowen LLP as special counsel on labor relations and authorizing the City Manager to execute the Letter of Engagement and providing an effective date.

RESOLUTION 6755

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Fred Fox Enterprises for grant writing services for the Florida Forever Program Grant; and providing an effective date.

RESOLUTION 6756

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to approve Change Order No. 1 to the agreement between the City of Leesburg and the Middlesex Corporation for the purpose of construction of the radius of Taxiway “A” at the intersection of Runway 31 to meet FAA standards at the Leesburg Regional Airport; and providing an effective date.

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RESOLUTION 6757

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and the Florida Department of Transportation for the purpose of funding construction of Taxiway "K" to end of RW 21 at the Leesburg Regional Airport; and providing an effective date.

RESOLUTION 6758

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and the Florida Department of Transportation for the purpose of funding design and construction of a line operations building and associated apron at the Leesburg Regional Airport; and providing an effective date.

RESOLUTION 6759

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a consent to assignment of lease between the City of Leesburg and Gregg Enterprises, Inc. and Bush Planes, Inc.; and providing an effective date.

RESOLUTION 6760

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to approve the water service agreement with Carl W. Stewart, Jr. and Sharlene L. Stewart, and providing an effective date.

RESOLUTION 6761

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to amend an agreement between the City of Leesburg and J & H Waterstop, Inc. for providing a reduction in services related to the rehabilitation of lift station No. 9 project and providing an effective date.

RESOLUTION 6762

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the City Manager, Human Resources/Safety Director and Fire Chief to execute an agreement between the City of Leesburg and the Professional Firefighters, Local 2957, IAFF, Leesburg Fire Department; and providing an effective date.

RESOLUTION 6763

A resolution of the City Commission of the City of Leesburg, Florida, ratifying the City Manager's authorization to direct the Fire Chief to apply for, and accept if approved, federal grant funding under the assistance to Firefighters' Act that is administered under the Department of Homeland Security and committing funds to provide the match as required by the program; providing for an effective date.

RESOLUTION 6764

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the implementation of the Leesburg Housing Renaissance Program; and providing an effective date.

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RESOLUTION 6765

A resolution of the City of Leesburg, Florida, accepting and approving a plat of Sleepy Hollow subdivision, First Addition, a subdivision in an R-2 (low density residential) district, within the City of Leesburg, Florida, generally located at the northeast corner of the intersection of Sleepy Hollow Road and Hollow Lane, lying in Section 20, Township 19 South, Range 25 east; and accepting and dedicating to the use of the public the streets and public places contained therein; and providing an effective date.

OTHER AGENDA ITEMS:

1. Appropriate forfeiture funds to purchase J.A.G. (Junior Athletic Games) Tee-Shirts and Trophies

ADOPTED RESOLUTION 6767 APPROVING CHANGE ORDER #3 TO THE CONTRACT WITH DREDGE AMERICA

Commissioner Perry introduced the resolution to be read, by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to approve Change Order #3 to the contract with Dredge America relating to the dredging of canals at Venetian Gardens, and providing an effective date.

Commissioner Knowles stated he would like to see the land built up as much as possible. Leaving the dredged material would help build up the land. The land is used for volleyball and football and only needs to support cars on the 4th of July. He would like to see the fill brought in to build up the land and level it.

Keith Riddle, Riddle Newman Engineering, stated the company is not talking about taking out all of the dredged material, but will take out about 2,000 yards. The Soil Lab suggested all dredged material should be taken away. The recommendation is to remove about 2,000 yards and replace it with clean fill.

Commissioner Knowles moved to approve the resolution and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the resolution

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ADOPTED RESOLUTION 6766 EXECUTING A CONSENT OF ASSIGNMENT OF LEASE BETWEEN THE CITY OF LEESBURG, KENNETH RAY SIMS, JOAN M. SIMS, KEVIN RAY SIMS, WENDY J. SIMS, AND WINSTON S. DOUGLAS

Commissioner Perry introduced the resolution to be read, by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a consent to assignment of lease between the City of Leesburg and Kenneth Ray Sims, Joan M. Sims, Kevin Ray Sims, Wendy J. Sims and Winston S. Douglas; and providing an effective date.

Commissioner Puckett stated this contract appears to allow for a picture framing business. He stated he believes this violates the old FAA lease, which stated the airport is to be used for aviation related functions. Commissioner Puckett is afraid this will open the airport up for problems.

Airport Manager (AM) Charlie Weller stated the lessees will buy and sell airplanes, perform maintenance, and have a picture framing business that will employ about 15 people. There is nothing in the Airport Compliance Handbook that says they cannot do other things. AM Weller stated he does not believe they will be violating Federal law.

Mayor Connelly questioned if this will cause any problems with traffic.

DCM Johnson stated there are currently 88 aeronautical jobs and 330 jobs in all at the airport. Thus far, there are no traffic problems on Echo Drive. The hangar to be leased has been empty for 2 ½ years. The Airport Advisory Board recommends this lease.

Commissioner Knowles moved to approve the resolution and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Puckett	No
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Four yeas, one nays, the Commission adopted the resolution

PUBLIC HEARINGS:

ADOPTED ORDINANCE 03-38 AMENDING CHAPTER 25-4 - ZONING OF THE CODE OF ORDINANCES TO CHANGE THE DEFINITION FOR SETBACKS

ACC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, amending Chapter 25 Zoning of the Code of Ordinances Section 25-4 Definitions to change the definition for

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setbacks; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call was:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 03-39 AMENDING CHAPTER 19-19 OF THE CODE OF ORDINANCES TO PROVIDE FOR APPROVED PRIVATE ROADS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.

ACC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, amending §19 – 19 of the Code of Ordinances to provide for approved private roads, repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 03-40 AMENDING CHAPTER 13-4 OF THE CODE OF ORDINANCES DECLARING IT UNLAWFUL TO HAVE ABANDONED WASTE OR VEHICLES ON ANY PROPERTY IN THE CITY OF LEESBURG

ACC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, amending §13 – 4 of the Code of Ordinances, pertaining to abandoned waste and vehicles; declaring it to be unlawful to have abandoned waste or vehicles on any property in the City; establishing timetables for the removal of waste and abandoned vehicles; providing standards for determining when a vehicle is to be considered abandoned; creating a rebuttable presumption of abandonment if a vehicle meets

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the standards specified in the ordinance; repealing conflicting ordinances; providing a severance clause; and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the ordinance.

INTRODUCED AN ORDINANCE CREATING SECTION 25-83 OF CHAPTER 25, ARTICLE V, OF THE CODE OF ORDINANCES PROVIDING STANDARDS OF GOLF COURSE DEVELOPMENT FOR NEW AND EXISTING GOLF COURSES

Commissioner Lovell introduced the ordinance to be read, by title only. ACC Richardson read the ordinance as follows:

An ordinance creating Section 25-83, of Chapter 25, Article V, of the Code of Ordinances of the City of Leesburg, Florida, to provide standards of golf course development for new and existing golf courses; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Knowles questioned page 3, part B of the ordinance regarding the saving of existing natural vegetation. He stated he hopes the City is not creating an ordinance that makes it impossible to construct a golf course, as the City does not have a golf course currently.

CM Stock noted the effort is to try to maintain the natural vegetation that is in the areas outside of the main course. This ordinance mimics the County's ordinance.

Commissioner Puckett questioned if the City had any requests for a golf course. CM Stock stated the new development (Arlington Ridge) going in on SR 27 would like to include a golf course.

INTRODUCED AN ORDINANCE AMENDING THE FISCAL YEAR 2002-2003 BUDGET FOR THE GENERAL, CAPITAL PROJECTS, WATER, AND WASTEWATER FUNDS

Commissioner Knowles introduced the ordinance to be read, by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City Commission of the City of Leesburg, Florida amending the Fiscal Year 2002-03 Budget for the General, Capital Projects, Water and Wastewater Funds, and providing an effective date.

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Commissioner Perry stated raising rates to the taxpayers is a big responsibility. This budget amendment is pulling money out of the Water Fund to pay for police radios, fire equipment, downtown restrooms, parking garage, and library improvements for a total of \$1.2 million out from the Water Fund for capital improvements that have nothing to do with water. Raising water rates should occur because of a short-fall in the Water Fund, not to pay for non-water capital improvements.

CM Stock stated actually the reuse projects under the Wastewater Fund have been moved to the Water Fund and that is why the rate increases were put into effect. A new agenda memo explaining the transfers will be distributed with the second reading of this ordinance.

Commissioner Perry stated double-digit increases in spending has caused the City to transfer more and more money out of the various funds such as the Water Fund. If this information had been explained to the residents, it would not have been well received.

CM Stock stated the City has increased water, wastewater, gas, and electric rates but will be decreasing sanitation rates due to a decrease in tipping rates by the County. This will be brought to the Commission at a future meeting.

ADOPTED RESOLUTION 6768 SUPPORTING THE CREATION OF A LAKE COUNTY METROPOLITAN PLANNING ORGANIZATION

CM Stock stated a meeting regarding the creation of a Metropolitan Planning Organization (MPO) has been called and the City has been asked to send two representatives—the City Manager and an elected official. The meeting is scheduled for April 21, 2003 from 9:30 a.m. until 12:15 p.m. at the Lake-Sumter Community College. By being a participant, the City will have greater influence on what projects are funded by the Department of Transportation within the county. The county would like to have a Lake County MPO. Eustis, Leesburg, and Lady Lake must sign up to support the creation of a Lake County MPO due to the population of each city. The county does not want to have the MPO include Ocala, Marion, and Lake County. If another county were necessary, then Leesburg would prefer to see Sumter County included.

Commissioner Perry introduced the resolution to be read, by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, supporting the creation of a Lake County Metropolitan Planning Organization; and providing an effective date.

Commissioner Perry moved to adopt the resolution and Commissioner Knowles seconded the motion. The roll call was:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the resolution.

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Mayor Connelly requested a volunteer to attend the April 21, 2003 meeting. Commissioner Lovell volunteered.

Commissioner Perry moved to appoint Commissioner Lovell as the second member to attend the meeting. Commissioner Knowles seconded the motion and it passed unanimously.

CITY ATTORNEY ITEMS: None

CITY MANAGER ITEMS:

A. CM Stock stated it is necessary to promote three members of the Fire Department to drive the tower truck as a driver is needed on each of three shifts. The ISO rating has been kept at four as promised which keeps homeowners insurance down. Commissioner Knowles moved to approve the promotions. Commissioner Lovell seconded the motion and it passed unanimously.

B. CM Stock stated Protegrity has given the City a Notice of Termination. Protegrity currently handles workers compensation claim adjustment services. The company recently made changes and is now trying to renegotiate contracts with a big rate increase. The City does have some options, one of which is to obtain other services. This will be looked into further.

C. CM Stock stated the fire at Millennium Fasteners has given the City the possibility of increasing its right of way and extending Magnolia Street. The City can make an offer to purchase the right of way. Extending Magnolia Street will improve Millennium Fasteners' access to their off-loading ramp.

CM Stock stated there are several alternatives to look at in regards to extending Magnolia Street. One is to extend it to come out onto Moss Street (no additional light needed) or curve it back to Main Street which would require the purchase of three additional properties, while taking it all the way to US Highway 27 would require purchasing four additional properties. Two of the remaining three properties are vacant land. The other is developed with an old block building. CM Stock stated one of the properties is owned by the Railroad who would sell but at premium prices. The City has not contacted the other property owners.

Commissioner Puckett stated the City could also open up the other end by taking it up past B & C Auto Body.

Commissioner Lovell moved to have the Millennium Fastener property appraised and Commissioner Knowles seconded the motion. The motion passed by a vote of 3 to 2 with Commissioner Perry and Commissioner Puckett voting against the appraisal.

Commissioner Perry stated he is opposed because appraising this one property will not tell anything.

Mayor Connelly agreed. He stated he would like to see all the properties appraised.

Commissioner Knowles moved to appraise the three remaining properties (not including the railroad property). CM Stock stated the City has been negotiating with the Railroad.

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Commissioner Puckett stated the City Manager should look into the other properties. Mayor Connelly agreed that the other properties should be looked into to see if there is any interest in selling.

D. CM Stock stated the County Commission is requesting a meeting regarding a Joint Planning Area (JPA). The map and draft contract were distributed at the meeting. The meeting date is tentatively set for Friday, May 30th from 9 to 11:00. Let CM Stock know if that date is okay to meet.

CM Stock brought up the Main Street Interlocal Agreement problem. No agreement has been made with the County on this topic.

All of the Commissioners agreed to the meeting. Commissioner Perry stated he had a conflict which he would work out.

ROLL CALL:

Commissioner Lovell – none

Commissioner Perry – none

Commissioner Puckett – it would be nice to get a simple rendering of how the street will look before making a decision on Magnolia Street. CM Stock stated he will try to have this done.

Commissioner Knowles – the rails to trails opening was beautiful. Nice to be able to access downtown. Additional access would facilitate business revenue.

Mayor Connelly – Rails to trails was very nice. Many senior citizens were there.

Commissioner Knowles moved to adjourn. Commissioner Perry seconded the motion and it carried unanimously. The meeting adjourned at 7:26 p.m.

Mayor

ATTEST:

Acting City Clerk

Diane L. Gibson Smith

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